

REMARKS

Claims 1-37 and 45-58 remain in the above-identified application with Claims 1, 18, 45 and 53 being independent claims. Claims 38-44 and 59 have been canceled. Applicants respectfully thank the Examiner for the allowance of Claims 45-52. However, reconsideration of Claims 1-37 and 45-58 is respectfully requested.

Claim Rejections under 102(b)

Claims 1-3, 5, 18-20, 22 and 38 were rejected under 35 U.S.C. 102(b) as being anticipated by Baylor. The Examiner has indicated in respect to independent claims 1, 18 and 38 that Baylor discloses a track joint assembly adapted to connect a track chain together, the track chain having first and second structures 28 that have limited movement relative to one another, the track joint assembly comprising a track pin 10 extending between the first and second structures 28, 34 and an insert 40 surrounding a portion of the track pin 10, the insert 40 being free floating positioned between the track pin 10 and one of the first or second structures 28, 34. The Examiner further indicates that the insert of Baylor is considered to be the seal 40 and because it is not fixed onto the track pin, it is free-floating. The Examiner also indicates that with respect to Claims 2 and 19, Baylor discloses a track joint assembly wherein the insert 40 have at least one crown shaped surface thereon (near reference character 50 in Figure 3). The Examiner further indicates that with respect to Claims 3 and 29, Baylor discloses a track joint assembly wherein the insert has an outermost portion of the insert near reference character 50 in Figure. 3 and with respect to Claims 5 and 22, Baylor discloses a track joint assembly wherein the crown shaped surface is curvilinear.

Applicants respectfully submit that the insert (seal) 40 of Baylor is not free floating but is, in actuality, free rotating. According to Webster Third New International Dictionary, the definition of "free-floating" is: i) relatively unattached or attached by a device that allows relatively free movement; or ii) moving or capable of moving in almost ANY direction. The insert (seal) 40 of Baylor is free rotating in that it is free to rotate about the track pin. However, the insert (seal) 40 of Baylor must maintain a sealing connection between the first and second structures 28, 34. This is true in order to perform the function of sealing. However, any movement of the insert (seal) 40 in an angular manner or excessive

longitudinally movement will cause leakage in and around the insert (seal) 40. Therefore, the insert (seal) of Baylor is NOT free floating but is truly only a free rotating device that is well known in the art. Conversely, Applicants' insert is truly free floating in that it is free (and designed) to move in virtually any direction. This is quite evident from Applicants disclosure, Page 9-10, paragraph 29, wherein it is stated that Applicants' insert is free to float at continuously different locations around the periphery of the insert to distribute loading and avoid concentrated wear patterns.

Given that Claims 1 and 18 specifically recite that the insert is "free floating", Applicants respectfully request that the rejection of Claims 1 and 18 under 35 U.S.C. 102(b) should be withdrawn. Additionally, Applicants respectfully submit that Claims 1 and 18 are in condition for allowance and that allowance be given.

In regards to Claims 2-3, 19-20, and 22, these claims are dependent, either directly or indirectly, on Claims 1 or 18 and include additional limitations therein. Given that Claims 1 and 18 are allowable, as argued above, Claims 2-3, 19-20, and 22 should also be allowable. Therefore, Applicant respectfully submits that Claims 2-3, 19-20, and 22 are also in condition for allowance and that allowance be given.

In regards to Claims 38-44 and responsive to the Examiner, Applicants have canceled Claims 38-44 and, as such, arguments for Claims 38-44 are moot.

Claim Rejections under 102(e)

Claims 1-5, 18-22, 26-27, 31, 38, 53, and 55-57 were rejected under 35 U.S.C. 102(e) as being anticipated by Gerardin. The Examiner has indicated in respect to independent claims 1, 18, 38, and 53 that Gerardin discloses a track joint assembly adapted to connect a track chain together, the track chain having first and second structures 16a, 18a that have limited movement relative to one another, the track joint assembly comprising a track pin 28 extending between the first and second structures 16a, 18a and an insert 36 surrounding a portion of the track pin 28, the insert 40 being free floating positioned between the track pin 28 and one of the first or second structures 16a, 18a. The Examiner indicates that with respect to Claims 2, 19, 26-27 and 56 Gerardin discloses a track joint assembly wherein the insert 36 have at least one crown shaped surface thereon. The Examiner further

indicates that with respect to Claims 3 and 20, Gerardin discloses a track joint assembly wherein the insert has an outermost portion and the crown shaped surface is at least partially located at the outermost portion. The Examiner further indicates that with respect to Claims 4, 21 and 57, Gerardin discloses a track joint assembly wherein the insert has an outer surface with an outermost portion and the crown shaped surface has a crown positioned at a substantially central location along the outer surface of the insert at the outermost portion. The Examiner further indicates that with respect to Claims 5, 22, 31, 40, and 55, Gerardin discloses a track joint assembly wherein the crown shaped surface is curvilinear. The Examiner further indicates that with respect to Claim 25, Gerardin discloses a track joint assembly wherein the insert is free floating positioned between the pin and both the first and second structures.

Again, Applicants respectfully submit that the insert 36 of Gerardin is not free floating but is, in actuality, free rotating. As with Baylor, the insert 36 of Gerardin is free rotating in that it is free to rotate about the track pin. However, the insert 36 of Gerardin must maintain a sealing connection between the first and second structures 16a, 18a. This is true in order to perform the function of sealing. However, as with Baylor, any movement of the insert 36 in an angular manner or excessive longitudinally movement will cause leakage in and around the insert 36. Therefore, the insert 36 of Gerardin is NOT free floating but is truly only a free rotating device that is well known in the art. As in the arguments above, Applicants' insert is truly free floating in that it is free (and designed) to move in virtually any direction. Again, this is quite evident from Applicants disclosure, Page 9-10, paragraph 29, wherein it is stated that Applicants' insert is free to float at continuously different locations around the periphery of the insert to distribute loading and avoid concentrated wear patterns.

Given that Claims 1 and 18 specifically recite that the insert is "free floating", Applicants respectfully request that the rejection of Claims 1 and 18 under 35 U.S.C. 102(e) should be withdrawn. Additionally, Applicants respectfully submit that Claims 1 and 18 are in condition for allowance and that allowance be given.

In regards to Claims 2-5, 19-22, 26-27, and 31, these claims are dependent, either directly or indirectly, on Claims 1 or 18 and include additional limitations therein. Given that Claims 1 and 18 are allowable, as argued above, Claims 2-5, 19-22, 26-27, and 31

should also be allowable. Therefore, Applicant respectfully submits that Claims 2-5, 19-22, 26-27 and 31 are also in condition for allowance and that allowance be given.

Again, in regards to Claims 38-44 and responsive to the Examiner, Applicants have canceled Claims 38-44 and, as such, arguments for Claims 38-44 are moot.

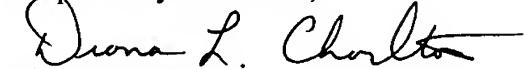
In regards to Claim 53, Applicants have amended the claim to include that the insert is free floating positioned between the pin and the first and second structure. Therefore, given that Claim 53 now specifically recites that the insert is "free floating", Applicants respectfully request that the rejection of Claim 53 under 35 U.S.C. 102(e) should be withdrawn. Additionally, Applicants respectfully submit that Claim 53 is in condition for allowance and that allowance be given.

In regards to Claims 54-58, these claims are dependent, either directly or indirectly, on Claim 53 and include additional limitations therein. Given that Claim 53 is allowable, as argued above, Claims 54-58 should also be allowable. Therefore, Applicant respectfully submits that Claims 54-89 are also in condition for allowance and that allowance be given.

In regards to Claim 59 and responsive to the Examiner, Applicants have canceled Claim 59 and added the limitations therein in Claim 53 and, as such, arguments for Claim 59 are moot.

In view of the foregoing remarks/arguments for the allowance of Claims 1-37 and 53-58, and the admitted allowance of Claims 45-52 by the Examiner, it is submitted that claims 1-37 and 45-58 are fully in condition for allowance, and the passing on to issuance of the instant application is respectfully urged.

Respectfully submitted,



Diana L. Charlton  
Registration No. 36,103  
Caterpillar Inc.

Telephone: (309) 675-5083

Facsimile: (309) 675-1236

T:\VLM\PATENT AMENDMENTS\99-431A1.DOC